

Article - Environment

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§9–228.

(a) In this section, “approved facility” means a facility located in or outside of the State for collecting, recycling, or otherwise processing scrap tires that is approved or licensed by the Department in accordance with regulations adopted by the Department.

(b) A person may not store scrap tires in the State unless the person demonstrates to the satisfaction of the Department that, within 90 days of the time that the person stores the scrap tires, the scrap tires will be:

- (1) Returned to the marketplace;
- (2) Used as fuel in an approved resource recovery incinerator;
- (3) Used as a tire derived fuel in an approved facility; or

(4) Transferred, by means of a scrap tire hauler, to any facility within the scrap tire recycling system established under subsection (c) of this section.

(c) (1) The service shall establish a scrap tire recycling system that includes scrap tire collection facilities, scrap tire haulers, and in the following order of priority:

- (i) Scrap tire recyclers; and
- (ii)
 1. An approved resource recovery facility that uses tires as a fuel substitute; or
 2. An approved facility that uses tires as a tire derived fuel.

(2) A person may not incinerate tires except in:

- (i) An approved resource recovery facility that uses tires as a fuel substitute; or
- (ii) An approved facility that uses tires as a tire derived fuel.

(3) A facility that processes scrap tires for use as a fuel in an incinerator, boiler, or resource recovery facility or a facility that burns or incinerates scrap tires may not be approved or licensed under this subtitle, unless:

(i) There is no reasonable and economically available opportunity to process the tires and return them to the marketplace for reuse; and

(ii) The burning or incineration meets all federal and State air quality standards.

(d) Scrap tire collection facilities, haulers, or recyclers may be publicly or privately owned and operated.

(e) (1) After consultation with other State agencies, representatives of the tire industry, and representatives of local government, the service shall place in operation a scrap tire recycling system:

(i) By January 1, 1993 for any county with a population of 150,000 or more according to the most recent projections by the Department of Planning; and

(ii) By January 1, 1994 for any county with a population of less than 150,000 according to the most recent projections by the Department of Planning.

(2) The service may establish a scrap tire recycling system required under paragraph (1) of this subsection on a regional basis.

(3) In establishing the scrap tire recycling system, the service:

(i) Shall give preference to existing private or public scrap tire collection, processing, or recycling programs or facilities that meet the requirements of this subtitle; and

(ii) May include in-State facilities licensed by the Department as well as out-of-state facilities approved by the Department.

(4) Each scrap tire recycling system established under this subsection shall:

(i) Meet all zoning and land use requirements of the county or municipal corporation in which the system is to be located; and

(ii) Be provided for in the county plan required under § 9-503 of this title.

(f) (1) (i) Except as provided in subparagraph (ii) of this paragraph, after January 1, 1994 scrap tires may not be disposed of in a landfill.

(ii) The Secretary may waive the requirements of subparagraph (i) of this paragraph under such terms and conditions and for such periods as the Department considers appropriate if the Department determines that a scrap tire recycling system:

1. Does not exist; or
2. Has insufficient capacity to accommodate the amount of scrap tires generated in the State.

(2) A person may not dispose of scrap tires except through a licensed scrap tire hauler or by delivering the tires to an approved facility.

(g) (1) (i) Beginning on February 1, 1992, a tire recycling fee shall be imposed on the first sale of a new tire in the State by a tire dealer, including new tires sold as part of a new or used vehicle, trailer, farm implement, or other similar machinery.

(ii) A county, municipal corporation, or any agency of a county or municipal corporation may not impose any tax, fee, or other charge on the first sale of a new tire by a tire dealer.

(2) The tire recycling fee:

- (i) May not exceed \$1.00 per tire; and
- (ii) Shall be established by the Board of Public Works.

(3) For a sale made by a tire dealer to a person who resells tires, the tire dealer shall separately state its recycling fees paid by the tire dealer on the invoice or other document of sale.

(4) Each tire dealer shall:

- (i) Pay the tire recycling fee; and
- (ii) Complete and submit, under oath, a return and remit the fees to the Comptroller of the Treasury on or before the 21st day of the month that follows the month in which the sale was made, and for other periods and on other

dates that the Comptroller specifies by regulation, including periods for which no fees were due.

(5) A tire dealer who timely files a tire recycling fee return and pays the tire recycling fees due is allowed, for the expense of administering and paying the fee, a credit equal to 0.6% of the gross amount of tire recycling fees that the tire dealer is to pay to the Comptroller.

(6) If the amount of the tire recycling fee is separately stated in a retail sale, the tire recycling fee is not subject to any tax under Title 11 of the Tax - General Article or Title 13 of the Transportation Article.

(7) At the end of each quarter, the Comptroller shall forward all tire recycling fees to the Used Tire Cleanup and Recycling Fund, less the costs of administration.

(8) Except to the extent they are inconsistent with this subsection, the provisions of Title 13 of the Tax - General Article applicable to the sales and use tax shall govern the administration, collection, and enforcement of the tire recycling fee under this subsection.

(9) The Comptroller:

(i) Shall administer the tire recycling fee; and

(ii) May adopt any regulations that are necessary or appropriate to administer, collect, and enforce the tire recycling fee.

(h) Beginning on July 1, 1992, each scrap tire hauler shall:

(1) Be licensed by the Department to transport scrap tires from scrap tire collection facilities to scrap tire recyclers;

(2) Apply for a scrap tire hauler's license on a form provided by the Department; and

(3) Transport each load of scrap tires to the scrap tire recyclers in accordance with regulations adopted by the Department.

(i) Beginning on July 1, 1992, each scrap tire collection facility shall:

(1) If located in the State, be licensed by the Department to receive tires from a consumer or a scrap tire hauler;

- (2) Apply for a license on a form provided by the Department;
- (3) Meet all zoning and land use requirements of the county or municipal corporation in which the tire collection facility is to be located;
- (4) Manage scrap tires in accordance with regulations adopted by the Department;
- (5) By means of a scrap tire hauler, transfer scrap tires to:
 - (i) A scrap tire recycler; or
 - (ii) Another scrap tire collection facility; and
- (6) In accordance with regulations adopted by the Department and on forms provided by the Department, provide:
 - (i) The Department with:
 - 1. A record of the destination;
 - 2. The name of the hauler that is registered with the Department; and
 - 3. The quantity of each shipment of scrap tires; and
 - (ii) Each hauler with:
 - 1. A record of the destination; and
 - 2. The quantity of each shipment of scrap tires.
- (j) (1) Beginning on July 1, 1992, a person may not operate as a scrap tire recycler in the State unless the person is licensed by the Department.
- (2) To apply for a license an applicant shall submit:
 - (i) An application to the Department on the form that the Department requires; and
 - (ii) Any document or other information required in regulations adopted by the Department.

(k) (1) The Department shall adopt regulations necessary to administer the provisions of this section, including:

(i) Minimum standards for the operation, maintenance, monitoring, reporting, and suspension of each scrap tire recycling system;

(ii) Requisite evidence of financial ability to properly establish, operate, and maintain a scrap tire recycling system, including the posting of bonds and other securities; and

(iii) The forfeiture of bonds and other securities for noncompliance with the requirements of this section or any applicable regulation.

(2) The Department may require the delivery of scrap tires in this State to 1 or more facilities, in the State or outside of the State, designated by the service as part of the tire recycling system.

(3) A scrap tire hauler or scrap tire collection facility may not transport or transfer scrap tires to any place other than a facility designated under paragraph (2) of this subsection.

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